

Minutes of the meeting of the Logan Municipal Council convened in regular session on Tuesday, July 15, 2014 at 5:30 p.m. in the Logan City Municipal Council Chamber, 290 North 100 West, Logan, Utah. Chairman Karl B. Ward conducting.

Council members present at the beginning of the meeting: Chairman Karl B. Ward, Vice-Chairman Jeannie F. Simmonds, Councilmember Holly H. Daines, Councilmember S. Eugene Needham and Councilmember Herm Olsen. Administration present: Finance Director Richard Anderson, Public Works Director Mark Nielsen, City Attorney Kymber Housley and City Recorder Teresa Harris. Excused: Mayor Craig Petersen.

Chairman Ward called for a moment of silence in respect for those who died in the tragedy that occurred yesterday in Logan.

OPENING CEREMONY.

Logan City Police Lieutenant Rod Peterson gave the opening thought and led the audience in the pledge of allegiance.

Chairman Ward welcomed those present. There were approximately 32 citizens in the audience at the beginning of the meeting.

Meeting Minutes. Minutes of the Council meeting from June 17, 2014 were reviewed and approved with no changes.

ACTION. Motion by Councilmember Olsen seconded by Councilmember Daines to approve the June 17, 2014 minutes and approve tonight's agenda. Motion carried unanimously.

Meeting Agenda. Chairman Ward announced there will be one public hearing at tonight's Council meeting.

Meeting Schedule. Chairman Ward announced that regular Council meetings would be held the first and third Tuesdays of the month at 5:30 p.m. The next regular Council meeting is Tuesday, August 5, 2014.

QUESTIONS AND COMMENTS FOR MAYOR AND COUNCIL.

Logan resident Bill Bower addressed the Council regarding trails that go throughout the City and he noticed there are a lot of noxious weeds along these trails. He feels we need to do something about the weeds. He also feels the City should have an ombudsman or someone the public can go to and get answers to their questions.

48 **MAYOR/STAFF REPORTS.**

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50 **Updates on Projects/Issues - Teresa Harris, City Recorder**

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52 City Recorder Teresa Harris gave an update, written by Mayor Craig Petersen on the
53 following projects/issues.

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55 Ms. Harris said regarding the ombudsman suggested by Mr. Bower, this is something that
56 Mayor Petersen will address at the August 5 Council meeting.

57
58 **1. Current Road Closures**

- 59 a. 200 East and 500 North for construction of a roundabout—Now through August.
60 b. 200 East from Center Street to 100 South—Construction ongoing until September.
61 c. Chip and seal going on throughout the City for two more weeks.

62
63 **2. Freedom Fire**

64 Mayor Petersen expressed his appreciation to Holly Fjeldsted and Russ Akina for their
65 work on Freedom Fire. He said it was a challenging project, but Holly and Russ exhibited
66 both skill and patience carrying out this event. The final numbers will be presented to the
67 Council at the August 5th Council meeting. At that time, Mayor Petersen would like to
68 discuss options with the Council for future Freedom Fire celebrations.

69
70 **3. Highline Canal Trail**

71 The City, County, and Forest Service have met and agreed on needed safety
72 improvements for the trail. The funding will be provided primarily by the County and the
73 goal is to have the trail open for public use by this Fall.

74
75 **4. Waste Water Treatment**

76 Environmental Director Issa Hamud and Mayor Petersen met with the State Board of
77 Water Quality on June 25. Mayors from four of the cities we serve also attended. The
78 Board requested that we come to agreement with the cities by the Board's October
79 meeting. The Division of Water Quality will assist us by developing a draft interlocal
80 agreement based on Logan's discussions with the cities.

81
82 **5. 24th of July Parade**

83 The vote is in and the conveyance will be antique cars that the Council and Mayor
84 Petersen will ride in at the parade.

85
86 Chairman Ward recognized Cache County Council Chair Val Potter who is attended
87 tonight's Council meeting.

94 **Appointments - Neighborhood Council Representatives – Kymber Housley, City**
95 **Attorney**

96
97 City Attorney Kymber Housley asked the Council for ratification of the following to
98 serve as Neighborhood Council Representatives in their respective areas. All three are
99 new appointments and will serve a three year term.

100 Cindy Cheal – Wilson Neighborhood

101 Brenda Smith – Adams Neighborhood

102 Kathryn Weglarz – Ellis Neighborhood

103
104 **ACTION.** Motion by Councilmember Daines seconded by Vice Chairman Simmonds to
105 **approve ratification** of the proposed Neighborhood Council Representatives as
106 presented. Motion carried unanimously.

107
108 **COUNCIL BUSINESS**

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110 Chairman Ward announced that a Joint Logan City and Cache County Council meeting
111 will be held on Tuesday, July 29, 2014 beginning at 5:30 in the Cache County
112 Administration Building, (Multipurpose Room) 179 North Main, Logan, Utah.

113
114 **Guidelines for city-sponsored events – Holly Daines, Council Member**

115
116 Councilmember Daines said there was controversy over the Freedom Fire speaker (Glenn
117 Beck) and she feels that City sponsored events should not generate controversy but they
118 should bring citizens together. She feels the Council should come up with guidelines that
119 may be as simple as saying that any politicization of the event, or anyone who would be
120 controversial, is not appropriate.

121
122 Councilmember Olsen suggested a subcommittee consisting of two council members,
123 Mayor Petersen and others to discuss guidelines for future City sponsored events.

124
125 Chairman Ward feels that trying to deem what is and what isn't appropriate for a City
126 sponsored event would put the Municipal Council on a "slippery slope" because
127 appropriateness is a matter of opinion. He asked, how will the Council determine when
128 something is controversial or not. He talked with Freedom Fire Coordinator Holly
129 Fjeldsted and asked her what the process is to plan this event. Ms. Fjeldsted stated that
130 the committee meets monthly and the meetings are open to anyone that would like to
131 attend.

132
133 Councilmember Olsen said the American Festival Chorus that performs at Freedom Fire
134 is an example of something that is not controversial. He said that he has received
135 feedback from both Utah State University and the American Festival Chorus and they do
136 not want a repeat of what happened at this year's event with Mr. Beck speaking.

137
138 Chairman Ward explained there have only been three other speakers at past Freedom Fire
139 events besides Glenn Beck which include Bob Bennett, a former Utah State Senator and a
140 9/11 widow.

Councilmember Daines said only one of those speakers, Mr. Beck is controversial and it was also announced that he was speaking at the last minute.

Councilmember Olsen said ultimately the buck stops with the Council and maybe the guideline is that we don't have a speaker at future Freedom Fire events.

Chairman Ward said he feels it would be more appropriate to place a council member on the Freedom Fire planning Committee so they know what is going on rather than "micro-manage" the event.

ACTION. Motion by Councilmember Olsen to appoint a subcommittee to discuss guidelines for future City sponsored events seconded by Councilmember Daines. Motion carried (4-1) Ward voted nay.

Chairman Ward thanked all those who served on the planning committee for Freedom Fire and expressed his gratitude for their work on this event.

Fire Chief Jeff Petersen addressed the Council regarding fire restrictions. He stated that due to current and forecasted weather conditions coupled with extremely dry conditions and heavy loading or vegetation, it is determined by the Logan City Fire Chief that hazardous environmental conditions necessitate controlled use of fireworks.

Therefore under the authority of Logan Municipal Code Title 8, Chapter 4 and in accordance with State law, the City of Logan Fire Chief, Fire Code Official hereby orders that the use, igniting, or displaying of fireworks of any type defined in Utah Code Annotated 53-7-202 is prohibited in the following areas:

1. The Wildland Urban Interface Area which has been defined as:
 - a. All properties North of Highway 89 and East of 1200 East
 - b. All properties South of Highway 89 and East of 600 East
2. Any mountainous, brush-covered, or forested areas not defined above.
3. Any underdeveloped wildland or land being used for agricultural purposes.

This order shall be in effect for the period of July 17, 2014 to July 31, 2014.

City Attorney Kymber Housley explained by ordinance, authority is given to the fire chief to put fire restrictions in place as he deems necessary.

ACTION ITEM.

Consideration of a proposed Code Amendment. Joseph Needham/Utah Festival Opera Company, authorized agent/owner, requests a text amendment to the Land Development Code Section 17.33 regarding the existing lot size of the Historic District X-Overlay – Ordinance 14-56 – Russ Holley, Planner

At the June 17, 2014 Council meeting, Planner Russ Holley addressed the Council regarding the proposed code amendment. The subject property currently contains the Bishop's Storehouse building, originally built in 1969 and used for storage, warehousing

and office by the Church of Jesus Christ of Latter Day Saints. The current owner, the Utah Festival Operation Company, acquired the property in 2006 and has been using it ever since to store material related to their industry. The proposal is to allow subdivisions of parcels located inside the “X” Overlay portion of the Center Street Historic District if a parcel is at least 1.5 acres size, has more than 220 feet of continuous frontage along a public street and only creates two (2) additional parcels, three (3) lot subdivision. The property associated with the proposal, also known as the Bishop’s Storehouse, is currently 1.65 acres in size, has 228 feet of public street frontage and is proposing two (2) additional building lots. Currently, three (3) parcels inside the “X” Overlay boundary meet the proposed code amendment criteria and include, the LDS Tabernacle at 50 North Main, the LDS Temple at 175 East 300 North and the Bishop’s Storehouse.

Staff recommended that the Planning Commission recommend approval of the code amendment to allow a subdivision inside the “X” Overlay Zone if the property is no more than 1.50 acres, has more than 220 feet of continuous street frontage and creates no more than two (2) additional lots.

Staff recommended that the Planning Commission conditionally approve a Subdivision Permit for the 3-lot Bishop’s Storehouse Subdivision at 55 North 200 West.

On June 12, 2014, the Planning Commission recommended that the Municipal Council approve a request to amend the Land Development Code to allow limited subdivision within the “X” Overlay Zone if properties have more than 1.50 acres and more than 220 feet of continuous public street frontage. Said parcels are entitled to a maximum of two (2) additional building lots. The “X” Overlay would remain in place and by recording the subdivision as is shown to the Council now, the other properties would no longer qualify for further subdividing. The only potential risk is the larger properties could join together and make one large property of 1.5 acres and then re-subdivide but the likelihood of this occurring is very low. Any plans for development in this area need to go through the Historic Preservation Committee for approval.

Chairman Ward opened the meeting to a public hearing.

Proponent Joe Needham addressed the Council and asked if there were any questions of him regarding the proposed ordinance. He stated that he has lived next to this property all his life and he feels the proposed plan for this area will work well in the neighborhood.

Councilmember Olsen asked if the proposed code amendment was presented to the Woodruff Neighborhood Council.

Community Development Mike DeSimone responded that it was not directly presented to the Neighborhood Council.

Mr. Needham responded the neighbors in the immediate area did receive a notice of the project.

Councilmember Olsen said its good practice to inform the Neighborhood Council of any projects or changes going in the neighborhoods.

Mr. Housley added that a Planning Commission and Council packet are provided to the Neighborhood Representative prior to each meeting.

There were no further public comments and Chairman Ward closed the public hearing.

ACTION. Motion by Councilmember Olsen seconded by Councilmember Daines to **adopt Ord 14-56** as presented. Motion carried (4-1) Councilmember Needham recused himself.

WORKSHOP ITEMS.

Budget Adjustment FY 2014-2015 appropriating: \$4,561 for the Logan City Police Department for the purchase of bullet proof vests; \$600 from EDCUtah Community Match Grant Program for reimbursement on travel and training for professional economic development; \$2,500 from EDCUtah Community Match Grant Program for marketing purposes related to economic development; Funds for the following RAPX Grants for FY2015: \$20,000 for the 2014 Freedom Fire Independence Day Celebration at USU; \$160,000 Bridger Park-Phase II Construction; \$120,000 Logan Community Recreation Center Bleacher Replacement; \$25,000 Rendezvous Park Trail Extension; \$3,779 Shade Structure at Jones Neighborhood Park; \$13,00 “Tunnel to Tunnel” Trail, Kiosk and Benches; \$35,000 Valley View Dog Park Phase 2(b); \$76,012 RAPZ Tax Municipal Population Allocation for the 2014 Freedom Fire and 1700 South Park Strip – Resolution 14-61 – Richard Anderson

Finance Director Richard Anderson presented the proposed resolution to the Council.

The proposed resolution will be an action item and public hearing at the August 5, 2014 Council meeting.

Consideration of a proposed resolution approving Ballot Language for the Public Transit Sales Tax Issue – Resolution 14-58 – Todd Beutler, Cache Valley Transit District General Manager

Transit Manager Todd Beutler addressed the Council regarding the proposed Public Transit Sales Tax Issue. He explained that 30% of the CVTD’s budget is based on federal funding. With federal funds seen as increasingly volatile, services could be impacted over the next several years if there isn’t enough money to support it. CVTD is not in a crisis at this time but that is how they have managed. They are coming before the Council because they don’t want to be in a crisis. He further explained that the transit district has polled voters for several years and found support for putting this issue on the ballot. He understands there are issues such as a probable rise in sewer costs with the building of a new wastewater treatment plant and the recently passed bonds in Cache and Logan School Districts but the CVTD would also like the opportunity to have dialogue with the voters and let them decided.

281
282 Mr. Beutler continued stating that the valley wide transit district's operating revenue
283 comes primarily from federal funds and a local 0.3 percent sales tax dedicated to transit
284 services, according to a 2012 short-range transit plan for CVTD. The CVTD received
285 \$1.7 million dollars in federal and state grants in 2012. It also received \$3.3 million
286 dollars in local sales tax and \$128,000 in charges for advertising, Idaho service,
287 commissions and miscellaneous, the study indicates. Income also included \$10,000
288 generated by interest. The proposed sales tax increase would add \$2.8 million to the
289 CVTD's budget.

290
291 Vice Chairman Simmonds said she read through the Nelson Nygard short term study,
292 especially the financial projection section and the plan projects the CVTD to operate at a
293 surplus through 2020. She asked is the CVTD operating at a surplus now?

294
295 Mr. Beutler responded that a lot has changed in federal funding availability since 2012,
296 there are fewer earmarks and the information in the study are only projections. Based on
297 what CVTD is currently doing, CVTD is not trending to have a surplus and they will
298 have to cut service because federal funding is decreasing. The CVTD currently operates
299 36 busses and replacement busses are on an 80/20 match and range anywhere from
300 \$350,000 to \$380,000. The CVTD operates on 30% using federal dollars. If the sales tax
301 increase is approved it would provide a substantial increase in their budget and they
302 would not have to rely on federal dollars for operating and could also put away for capital
303 purchases. The proposed sales tax increase if all cities pass the increase, would add \$2.8
304 million to the CVTD's budget which is approximately a 50% increase of which \$1.5
305 million is to eliminate federal operating, \$1 million in additional services and \$300,000
306 for capital replacement.

307
308 Vice Chairman Simmonds asked is the CVTD requesting this increase before they need
309 it?

310
311 Mr. Beutler responded the CVTD has until 2018 before they are defunct but they have
312 been hovering at this point for some time. He feels the CVTD provides a good service for
313 transit dependent riders but there are those who are "transit choice riders" which are 40%
314 of people who choose to ride the bus and this will increase capacity. The CVTD is also
315 facing the possibility of having to increase the minimum wage and that also needs to be
316 addressed. He wants to retain good employees and keep them in place.

317
318 Vice Chairman Simmonds said she is not opposed to the transit district and feels it's an
319 incredible service for Cache Valley. Her question is and has been for a long time, is this
320 the right time for this increase to happen. She does not feel that service will be negatively
321 impacted for at least two years before the sales tax increase would be appropriate.

322
323 Mr. Beutler responded the transit district does not want to create a crisis. They don't want
324 to decrease service and then build it back up in two years. They will be in a crisis in two
325 years and he feels that now is the time to have this dialogue and propose the increase.

Councilmember Daines said the Council also realizes there are other increases such as the water and sewer fee increase, school levy and others. Those on a lower income scale are really going to see repercussions. If the 0.25 percent sales tax is approved, Cache County cannot later ask for a 0.3 percent tax increase for transportation projects because it will exceed the limit of how much can be taxed under that portion of the State code. She feels it would be short sighted to give the entire amount to transit right now. She also feels it should be in cooperation with the County and if Logan City is the only City to approve this resolution then it puts our business community at a competitive disadvantage because our tax rate is higher than neighboring businesses.

Councilmember Olsen said the current proposal is exclusively funding the CVTD effort but he feels if the Cache County Council will coordinate with the transit district about sharing the potential increase under a different code section that allows that sharing to occur, then the County's infrastructure needs can be met and the transit district can be strengthened. He said this is also an issue of air quality and there are real health issues that people are dealing with on a daily basis. He said public transportation is the single most important thing we can do especially during the winter months. He feels the County Council needs to be proactive and coordinate with the transit district. While the Municipal Council might take the position that it opposes the sales tax increase, he feels it should go on the ballot and let people weigh in on the issue, rather than a group of five council members denying it for everyone who rely on the transit service.

Chairman Ward said the Council has been inundated with phone calls and emails and feels this was poor tactics.

Mr. Beutler responded, the process was to create dialogue with Logan voters and the Municipal Council. The Exoro Group employees were asked to call Logan registered voters and ask if they want to talk to a council member about the ballot initiative. Mr. Beutler apologized if this was uncomfortable for the Council.

Councilmember Daines said she tried to have dialogue with the people that called her and they were clueless about the issue itself but were told to call the council members.

Chairman Ward said the callers said they were calling because they did not want to lose the bus service which none of the Council feel should happen. Chairman Ward said he also went through the budget and \$68,000 was paid to the Exoro Group which pushes agendas.

Mr. Beutler responded the CVTD is not going to spend public dollars for advocacy but they will spend public dollars for education because this is an important issue and they believe that the citizens should decide and vote.

Councilmember Daines asked what is the dollar amount of the 30% of the budget from federal funding.

Mr. Beutler responded this varies anywhere between \$1.3 to \$1.5 million dollars. Preventative maintenance is a large part of the operational cost and it does vary.

Councilmember Olsen suggested that a transit district discussion should be added to the upcoming Joint City County Council meeting agenda scheduled for July 29, 2014.

Chairman Ward asked if other cities have passed the proposed sales tax resolution.

Mr. Beutler responded the CVTD has met with other cities regarding the proposed resolution. So far, some have said no, while others are waiting on Logan's response. He said one thing he is very proud of is that in 1990, Logan City led out in transit and started the transit system. He is not opposed to working with the County and the CVTD is open to this but he was not happy with the comments made in a County Council meeting which indicated the feeling that the CVTD is a "glorified taxi service", and that it only transports USU students and he was hurt by these comments. Mr. Beutler said he is cautious about working with the County with this attitude and he would appreciate the City and County Council's leadership to address this issue. The CVTD tried putting a tax increase on the ballot in 2007 and was stymied by the County Council who said the money was needed for roads. The CVTD is asking both Council's to let the citizens decide.

Chairman Ward indicated this is an off election year and normally does not have very good voter turnout. He said 2016 is the Presidential election and it might be a better year to get more voter participation on this issue. He is also afraid that as it stands now, the voters will only see one side and both sides of the issue need to be represented.

Councilmember Olsen asked if the Logan City Council approves this to go on the ballot is there a possibility that if communication with the County resulted in a cooperative agreement, then the CVTD could pull the proposed tax increase from the ballot under this code section so it could be submitted differently?

Mr. Beutler said he is not opposed to this and he is not a politician, he just wants to get things done. He feels transportation is our economy. His concern is that historically when the CVTD has gone to the County, they are always told that the money is needed for roads so he doesn't have a lot of faith in working with the County. He would be willing to split the money and work with the County but he asked for help from the City Council to broker a deal going forward to 2016. He welcomed the opportunity to work with the County Council.

Councilmember Needham said he can't imagine the City not doing what we can to make the bus service continue. He feels rushed to do something now when we're not at crisis stage and feels at some point there will be a genuine need but he would like more dialogue with the County and would like to hear from the other cities. He is uncertain on what to do and doesn't want to vote on something that he doesn't feel comfortable with at this time.

Chairman Ward concurs and does not think it can be properly vetted to the voting public at this time.

Vice Chairman Simmonds said it's her feeling that the council members want a bus service and they also feel that it's very important for our community. She feels that we need additional dialogue and you don't have transit if you don't have roads and we need to talk about the County's infrastructure needs and the transit needs and possibly put something to the voters in 2016.

Councilmember Olsen said what this proposal is doing is helping to focus and educate the community about the value of transit and what it will take to get there. He feels it would be unwise to wait until we are in crisis mode. He has faith in the community and in the voters. In the next few months until the election, more can be done to educate the voters on this issue. He said putting this on the ballot does not mean that the Council supports it but at least the voters will have a say.

Mr. Housley said the Council was given a copy of the State Statue and a copy was also given to Mr. Beutler. He referenced Utah State Code, Title 59-12-2208(1a) and 59-12-2214 which states the following:

Subject to the other provisions of the section, before imposing a sales and use tax under this part, a county, city, or town legislative body shall: (a) obtain approval to impose the sales and use tax from a majority of the members of the county, city, or town legislative body; and (b) submit an opinion question to the county's, city's, or town's registered voters voting on the imposition of the sales and use tax so that each registered voter has the opportunity to express the registered voter's opinion on whether a sales and use tax should be imposed under this section.

Mr. Housley said he has included this language in the body of the resolution. He added that the Council is not required to hold a public hearing on this resolution.

Chairman Ward said the Council has expressed that they want bus service to continue. He still cannot come to grips on where the money will go and what is the need at this time. He is concerned if this goes on the ballot and with as much aggressive campaigning that has already occurred, this will also happen to the citizens and it will be one sided. He also said that if Logan City is the only one that approves this to go on the ballot it becomes an increased sales tax for Logan businesses and the consumer will pay more for items bought here in Logan City and that is concerning to him. If this does go on the ballot he feels it should be countywide and not just Logan City.

Councilmember Olsen said the increased sales tax generated within Logan would remain in Logan and would not go to the other communities.

The proposed resolution will be an action item and public hearing at the August 5, 2014 Council meeting.

467 **Consideration of a proposed resolution of the Legislative Body of the City of Logan**
468 **appointing two representatives to serve on the Taxing Entity Committee for all**
469 **Urban Renewal (formerly redevelopment), Economic Development and Community**
470 **Development Project Areas in the City of Logan – Resolution 14-60 – Kirk Jensen**
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472 Economic Development Director Kirk Jensen addressed the proposed resolution. He
473 explained that the Redevelopment Agency of the City of Logan has created a Taxing
474 Entity Committee and the legislative body of the City of Logan needs to appoint two
475 representatives to the Taxing Entity Committee. He proposed that Mayor Craig Petersen
476 and the Redevelopment Agency Chairperson serve as the two voting representatives and
477 appoint Community Development Director Mike DeSimone as an alternative
478 representative to act in case of absence of either of the two regular representatives.
479 The proposed resolution will be an action item at the August 5, 2014 Council meeting.
480

481 **OTHER CONSIDERATIONS.**
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483 There were no further considerations from the Mayor or Council.
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485 The Logan Redevelopment Agency portion of the meeting was cancelled. The proponent
486 of the resolution approving Agency Assistance to TTCB, LLC for its Redevelopment
487 Project in the Downtown Redevelopment Area (RDA) withdrew this agenda item.
488

489 **ADJOURN.**
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491 There being no further business to come before the Council, the meeting adjourned at
492 6:55 p.m.
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495

496 Teresa Harris, City Recorder